IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23975 of 2004

Between:

K. Venkata Apparao S/o Adinarayana
R/o H. No. 53-40-29/3, KRM Colony, Maddilapalem, Visakhapatnam

..... PETITIONER

AND

1. Andhra Pradesh State Road Transport Corporation, rep by its Vice-Chairman and

Managing Director, Musheerabad, Hyderabad
2 The Chief Manager (HRD), Andhra Pradesh State Road Transport Corporation,
Musheerabad, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or Writ more particularly one in the nature of Writ of mandamus or any other appropriate Writ (i) declare the petitioner unfit for the post of Mechanical Supervisor (Trainee) for the Year 2004 solely on the ground that colour blindness is illegal and arbitrary; (ii) declare the proceedings of the 2nd respondent in file NO. R2/684(1.17)/2004-HRD, dt 25-9-2004 in treating the petitioner as medically unfit due to colour blindness for the post of Mechanical Supervisor (Trainee) is illegal and arbitrary (iii) and consequently direct the respondent to appoint the petitioner as Mechanical Supervisor (Trainee) without referring to the colour blindness test in Pursuance of the Selections and interview held on 5-8-2004 with all consequential benefits.

Counsel for the Petitioner:MR.G.VIDYASAGAR

Counsel for the Respondent Nos.1&2: KUM.B.G.UMA DEVI

The Court at the stage of admission, made the following :

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ORDER:

This writ petition is filed for declaring the action of the respondents in treating the petitioner unfit for the post of Mechanical Supervisor (Trainee) for the year 2004 solely on the ground of his colour blindness as illegal and arbitrary and consequently to direct the 2nd respondent to consider his case without referring to his colour blindness.

The petitioner was appointed as a casual conductor in the respondent-Corporation and thereafter he was selected in the written test held for the Mechanical Supervisors (trainees),. He was subjected to medical examination on 6.8.2004 and found medically unfit due to colour blindness. He preferred an appeal. He was again reexamined by the Medical Board. His case was rejected due to colour blindness. Hence, the writ petition.

At the request of the learned counsel for both the parties, the writ petition is taken up for final disposal.

The respondents have to take appropriate decision in accordance with the Rules and Regulations of the Corporation particularly with reference to the Circular No.PD-17/1987, dated 11.2.87 which deals with the vision standards for the candidates to become eligible for direct recruitment posts. Therefore, the 1st respondent has to take appropriate decision.

Accordingly, the writ petition is disposed of directing the respondents to take appropriate decision, in accordance with the Rules and Regulations of the Corporation, particularly with reference to the above said Circular, within a period of four weeks, from the date of receipt of a copy of this order.

No order as to costs.

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22.12.2004

bsv

To

1. The Vice-Chairman and Managing Director, Andhra Pradesh State Road Transport Corporation, Musheerabad, Hyderabad

2 The Chief Manager (HRD), Andhra Pradesh State Road Transport Corporation,
Musheerabad, Hyderabad

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